IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 9787 of 2004

Between:

1 Sri K.Neelakanti Venkataramana, S/o Gopaiah,
R/o H.No.2-12-5, Stambhalagaruvu, Guntur.
2 Smt.Neelakanti Santhi, W/o N.V.Ramana,
R/o H.No.2-12-5, Stambhalagaruvu, Guntur.

..... PETITIONERS

AND

The Authorised Officer, Syndicate Bank, Regional Office,
Vijayawada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction in the nature of Mandamus, declaring the notice of auction to be held on
22-6-2004 issued by the respondent herein, published Eenadu Telugu Edition, Guntur District, dated 8-6-2004 bringing the 2 items mentioned in the said notice to sale for recovery of Rs.26,93,516/- as being illegal, unjust, arbitrary and contrary to the Judgment of the Supreme Court of India, reported in 2004 SCC Page 311

Counsel for the Petitioners: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent: Mr. A. KRISHNAM RAJU.

The Court at the stage of admission made the following ORDER:

Learned counsel for the petitioners submits that in view of the judgment of the Apex Court in **Mardia Chemicals Ltd., and others v. Union of India,** he seeks permission of this Court to withdraw the writ petition with a liberty to avail the remedy of appeal before the Debt Recovery Tribunal.

Permission is accorded and the writ petition is dismissed as withdrawn. No costs.

_____

A.Gopal Reddy, J

Date: 01.09.2004

Va/ghn

To

1. The Authorised Officer, Syndicate Bank, Regional Office,
   Vijayawada.

2. Two CD Copies